



DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Interested Parties

FROM: Marlia Jenkins, Program Development Manager

DATE: October 20, 2003

SUBJECT: 90-Day Review Process

Clark County is pleased to announce the availability of an optional development review service for major economic development in Clark County. Called the 90-Day Process, the process allows eligible businesses to complete reviews from preliminary planning to engineering and building plans in 90 days or less.

Currently, the Department is conducting a pilot and is accepting inquiries from developments interested in the pilot.

The Department also offers case management services for major projects and an economic development revolving fund for infrastructure.

Complete program descriptions are available on the county website www.clark.wa.gov on the Community Development page.

Anyone interested in additional information is encouraged to contact Bart Phillips at CREDC (360-694-5006) or Marlia Jenkins at 360-397-2375 ext 4405.

90 Day Process Requirements

Special Review Processes for Major Economic Development Clark County, Washington

Purpose

Clark County has developed processes for preliminary plan, building and engineering construction plan approval that allow major economic development to obtain approvals more quickly than the standard processes. The special processes are offered only to a select group of developments.

The processes were developed in response to the CREDC's request for 60 to 90 day processes for economic development. The proposal allows preliminary plan review in less than 60 days and preliminary and final plan review in 90 days. Initially, the processes are offered only to major economic development. Over time, as experience with the processes grow, DCD hopes to extend these development processes to a greater and greater number of applicants.

The special processes are based on the principles of speed, flexibility and commitment. Both the applicant and the county must be committed to maintaining the schedules. Reviews and meetings may be scheduled in overtime hours, negotiations may take place in concentrated sessions, and single points of contact may be relied upon to transmit accurate and complete messages to the remainder of the project teams.

Eligible projects

Major economic development projects are determined by two criteria:

CREDC must submit a letter to the Clark County Community Development Department attesting to the importance of the project for primary or family wage job creation or retention in Clark County, and

The value of the building under construction must meet or exceed the following:

New construction	\$2,000,000
Tenant improvement:	\$500,000

Ineligible projects

Projects that do not meet the job creation and value criteria stated above. In addition, schools and public facilities are not eligible.

Type 1 and Type 3 review projects are not eligible for the 50 Day Preliminary Plan Review Process. Type 3 review projects, however, are eligible for the 50 Day Final Plan Review Process.

Projects with more than 120 day gap between completion of a Type 3 Preliminary Plan review or a 50 Day Preliminary Plan review and a request for a 50 Day Final Plan Review.

Projects with known, major environmental constraints and outstanding permits that must be issued by other agencies.

Projects that need CARA Review, Geohazard Review, Floodplain Review or Road modifications.

Projects in locations with multiple property owners and development applications where stormwater, transportation or other problems must be resolved through the negotiation and interaction of multiple property owners.

Applicants that cannot identify their project teams, identify a single point of contact for all aspects of the project, and commit to the participation of all the members of the team throughout the process. Team members may be changed with the concurrence of Clark County.

Measurement of Days

Measurement of the days is in calendar days. The 50 Day processes count the days in county review. It does not include days the applicant project team spends revising plans or compiling additional data. Once plans are re-submitted, the county's elapsed time clock begins again.

The timelines assume that the applicant project team prepares thorough and accurate plans as per county specifications and returns plan sets in a manner that allows for timely staff review.

The timelines assume that the applicant project team does not make major changes to project concept, site plans, engineering plans or building plans mid-way through the review.

All holds are optional, may be taken only at the times indicated, and are for the duration presented in the process. All plans for all content areas must be resubmitted at the end of the hold period.

The applicant and the county, by mutual agreement, may extend timelines and move projects to other permit review types.

Fees

The Department charges a 50 percent surcharge on the 50 Day Preliminary Plan Review process fees, and a 75 percent surcharge on 50 Day Final Plan Review fees. The

surcharge does not apply to impact fees, state fees, building fees other than plan review fees or inspection fees. The same surcharge applies to services provided by the Public Works Department.

If a project fails to meet the process guidelines and is transferred to a standard process, no refunds are provided.

If the county fails to meet the review timelines, the applicant is reimbursed for the difference between the fees charged for the standard review process and the special review process.

50-Day Preliminary Plan Review Process

The following 50-day preliminary plan review process is based upon the assumption that the county will expedite the review process and the applicant will expedite their response time by retaining the resources necessary to keep pace with the county's review timelines.

Clark County encourages potential applicants to meet with county staff for informal discussions of their projects before the review process begins.

Qualifying Condition:

Application Requirements:

1. The application must not require a Habitat Permit;
2. The application must not propose wetland impacts (buffer impacts are acceptable) unless the project can use an approved wetland mitigation bank AND has already received approval from DOE (Department of Ecology) and USACE (United States Army Corps of Engineers);
3. The applicant must comply with one of the three options for Traffic Study and Circulation Plan Approval presented in Appendix A.
4. The applicant must have applied for all permits and submitted all plans required from other agencies and must remain in close communication with agencies to secure approvals from these organizations needed by the county. The agencies might include sewer or water utilities, federal or state environmental permit agencies, road agencies, and health agencies.
5. The applicant must provide a minimum advance notice to the county of their intent to apply; approximately 50 days is requested.
6. The applicant must hold a neighborhood meeting prior to application, and send out a meeting notice at least 15 days prior to the meeting to all property owners within 300 feet of the project site.
7. The application must include a CREDC Letter of Certification that the proposed project is eligible, and/or an analysis showing that the proposed project meets the county eligibility requirements for size, number of family wage jobs created, etc;
8. The application must include a signed agreement stating that the applicant will abide by all process and procedural conditions stated for this process;

9. The application must be submitted on a Thursday, or include a signed statement of understanding that the 50-day time period will not start until the following Thursday;
10. The application must not require a SEPA MDNS or EIS (State Environmental Policy Act Mitigated Determination of Non-Significance or Environmental Impact Statement). Applicants may submit their packages and, if the project is found to require a MDNS or EIS at the meeting scheduled for Day 7 of the process, the project will be transferred from the 90-Day process to the standard process. Applicants will receive a refund for fees paid above the standard process;
11. The schedule exempts 50-day Preliminary Plan Review applications from a pre-application conference (See CCC 18.6000.030B1 for Planning Director's authority to exempt projects from a pre-application conference). Given that the neighborhood association is being removed from the initial review process (i.e., from the pre-application conference), the above plan requires the applicant to meet with the neighborhood prior to application submittal. This meeting is the responsibility of the applicant, who must prepare and conduct it. County staff may not be present, and shall not be expected to be responsive to questions because the application will not have been submitted at the time the meeting takes place.
12. If the applicant wants to overlap the 50 Day Preliminary and Final Processes, or apply sequentially without waiting for the 14 day appeal period, the applicant must request permission to proceed without waiting for the appeal period. Applicants do so at their own risk. If an appeal is filed, the calendar must stop for the appeal process.
13. The applicant shall request no more than two (2) 7-day HOLDS at the scheduled times listed below; and,
14. The applicant meets all scheduled applicant deadlines.

If any of the above conditions are not met at any time in the process, the application will be taken out of the 50-day review process and channeled into the standard review process as follows:

- If a fully complete determination letter has not been issued, the application will be channeled into the standard fully complete review timelines and once fully complete, the standard 78-day decision timeline will commence; or,
- If a fully complete letter has been issued, the application will be channeled into the standard 78-day review timelines minus any days already expended in the review process (excluding hold days) after fully complete.

County Requirements:

1. Dedicated staff to work full time on project with overtime option, as needed;
2. Wetland staff authorized to work overtime;
3. Non-Development Services Divisions written reports/decisions) shall be submitted to the project planner as follows:
 - Draft Staff Report = no later than 9 AM of **Day 42** and,
 - Staff Report/Decision = no later than 9AM of **Day 49**.

[Note: Written reports/decisions from Non-Development Services Divisions may be attached to (vs. incorporated into) the standard "Type II Development & Environmental Review, Staff Report & Decisions."]

50-Day Preliminary Plan Review Process

Prior to Submittal

Applicant sends notice to county of intent to apply for 50-Day review process, and includes CREDC Letter of Certification.

Applicant conducts community meeting.

Applicant submits traffic study and circulation plan to Public Works for approval (See Appendix A).

Day 1 **Applicant** submits full application packets including the Traffic Study and Circulation Plan approval or documents (only on a Thursday or includes signed statement of understanding).

Day 2-6 **County** staff conducts a site visit (applicant may join staff on site visit), fully complete review, legal lot determination and initial technical review.

Day 7* 1st **applicant/county** meeting to review:

- The Fully Complete Determination letter and any missing submittal items;
- Major issues; and,
- Coordination with local fire district
- Information needs including special analysis and inspections that may be necessary during the construction phase.

And, **county** makes decisions regarding:

- Optional SEPA determination, and
- Will an application addendum or revised full application packet be required to respond to needed changes.

Day 9 **County** sends SEPA notice to agencies, and notice of application and 14-day comment period to property owners.

Day 23 SEPA and Public comment period ends, and **county** faxes comments to applicant (after 4:30 PM closing deadline)

Day 26 **1st 7-day HOLD opportunity by applicant (Closes at 4:30 PM)**

Day 27 **Applicant** submits revised submittal packages, as applicable

Day 29* 2nd **applicant/county** meeting to go over additional submittals and any outstanding issues.

Day 33 **2nd 7-day HOLD opportunity by applicant (Closes at 4:30 PM)**

Day 34 Last day for **applicant** to submit additional information and respond to comments. Any submittals or comments received after this date will not be considered.

Day 40 **3rd 7-day HOLD opportunity by applicant exclusively for the purpose of completing off site transportation negotiations with the Public Works Department.(Closes at 4:30 PM)**

Day 41 **Applicant** has option of submitting Final Plans for 50 Day Final Plan Review Process, assuming that eligibility requirements are met.

Day 42 **County** staff from all content areas submit materials for Draft Staff Report to project planner.

Day 44 **County** issues DRAFT Staff Report and decision.

Day 47 Last day for **applicant** to respond to DRAFT Staff Report.
Day 49 **County** staff from all content areas submit materials for Final Staff Report to the project planner.
Day 50# **County** issues decision.

*(Note: Both the county and the applicant will be responsible for taking their own notes, i.e., no staff summary will be issued)

*(Note: The decision issued by the county may be subject to additional conditions and negotiations required to complete the Off Site Transportation approval).

50-Day Final Plan Review Process

Qualifying conditions:

Application Requirements:

1. The application must have a completed preliminary plan review, either through the standard Type 2 or Type 3 processes or through the 50 Day Preliminary Plan Review process.
2. The applicant must have applied for all permits and submitted all plans required from other agencies and must remain in close communication with agencies to secure approvals from these organizations needed by the county. The agencies might include sewer or water utilities, federal or state environmental permit agencies, road agencies, and health agencies.
3. The Final Plan application process includes final site plan, engineering plans, and building plans.
4. The applicant must have an intact project team, including special topic experts identified in the preliminary plan review phase, a single point of contact for the project, and agree to retain this team throughout the process.
5. The applicant must provide a 30 day advance notice of intent to apply for the 50 Day Process.
6. The application must include a CREDC Letter of Certification that the proposed project is eligible, and/or an analysis showing that the proposed project meets the county eligibility requirements for size, number of family wage jobs created, etc;
7. The applicant must state, in writing, if the objective is obtain site and foundation and shell review in 50 days, or to also obtain internal building review in 50 days. The applicant has the option of obtaining the site and foundation and shell review in 50 days with internal building plan completed within another 30 days.
8. The application must include a signed agreement stating that the applicant will abide by all process and procedural conditions of this process;

If any of the conditions are not met at any time in the process, the application will be taken out of the 50-day review process and channeled into the standard review process as follows:

- If a fully complete determination letter has not been issued, the application will be channeled into the standard review timelines and start the process from the beginning (Day 1).
- If a fully complete letter has been issued, the application will be channeled into the standard review timelines minus any days already expended in the review process (excluding hold days) after fully complete.

County Requirements:

- 1) Dedicated staff to work full time on project with overtime option, as needed;
- 2) Non-Engineering Divisions written reports/decisions that need inclusion in the engineering decision shall be submitted to the engineer no later than 9AM on **Day 48**
- 3) Building and Fire written reports\decisions that need inclusion in building decisions shall be submitted to the lead building plans examiner no later than 9AM of **Day 48**.

- 4) The county may issue grading and foundation only permits at Day 7 (end of fully complete meeting), Day 28 (end of first review), Day 40 (end of second review) or Day 47 (end of third review) at its discretion.

50-Day Final Plan Review Process

Prior to Submittal

Applicant sends notice to county of intent to apply for 50-Day review process, and includes CREDC Letter of Certification.

Day 1 **Applicant** submits full application packets (only on a Thursday or includes signed statement of understanding).

Day 2-6 **County** staff conducts a site visit (applicant may join staff on site visit), fully complete review.

Day 7* 1st **applicant/county** meeting to review:

- The Fully Complete Determination letter and any missing submittal items;
- Major issues; and,
- Information needs including special analysis

And, **county** makes decisions regarding:

- Will an application addendum or revised full application packet be required to respond to needed changes.

Day 8 **1st 21-day HOLD opportunity by applicant (Closes at 4:30 PM)**
The applicant may use the hold in 7 day increments (7, 14 or 21 days)

Day 8-27 **County** performs first review of plans.

Day 28 2nd **applicant county** meeting to review redlines, identify issues for engineering, fire and building plans.

Day 29 **2nd 21-day HOLD opportunity by applicant (Closes at 4:30 PM)**
The applicant may use the hold in 7 day increments (7, 14 or 21 days)

Day 29 **Applicant** submits revised submittal packages, as applicable

Day 29-39 **County** second review.

Day 40* 3rd **applicant/county** meeting to go over additional submittals and any outstanding issues.

Day 41 **3rd 7-day HOLD opportunity by applicant (Closes at 4:30 PM)**

Day 41 **Applicant** submits revised submittal packages, as applicable

Day 41-46 **County** third review.

Day 47* 3rd **applicant/county** meeting to go over additional submittals and any outstanding issues.

Day 41 **4th 7-day HOLD opportunity by applicant (Closes at 4:30 PM)**

- Day 48** Last day for **applicant** to submit additional information and respond to comments. **Applicant** submits mylars. Any submittals or comments received after this date will not be considered.
- Day 49** **County** begins to route site plan mylars for signature.
- Day 50** **County** issues approval of engineering plan, final site plan, and building plan.

*(Note: Both the county and the applicant will be responsible for taking their own notes, i.e., no staff summary will be issued)

Appendix A

Traffic Study and Circulation Plan Special Process In conjunction with the 50Day Preliminary Plan Review Process

All applicants that intend to apply for the 50 Day Preliminary Plan Review Process must submit a traffic analysis and circulation plan for review by the Department of Public Works.

The applicant has three choices for the timing of this submission.

- a) The applicant may contact the Public Works Department at any time for guidance and assistance in preparation of the traffic and circulation plans. The objective is to mutually agree upon the methodology and assumptions used in the studies. The applicant may submit the plans to Public Works and, after their approval, submit the application package for the 50 Day Preliminary Plan review process. The traffic and circulation plan approval prepares the applicant for submission of the full application package and assures that off site issues can be negotiated within the 50 Day Preliminary Plan review process. Staff strongly recommends this option.
- b) The applicant may contact the Public Works Department and ask the Department to prepare the traffic and circulating plans. The applicant may contact the Department at any time. Staff will prepare an estimate of the time required to prepare a study at the project site. Costs will be estimated also. Once the plans are prepared and approved, the applicant may submit an application package for the 50 Day Preliminary Plan review process.
- c) The applicant may choose to submit a traffic study concurrent with submission of the 50 Day Preliminary Plan review package. Public Works will review the assumptions and methodology by **Day 7** of the preliminary plan review process. If the traffic and circulation plan assumptions are not adequate and the traffic studies must be revised, the project loses eligibility for the 50 Day process and is transferred to a standard review process.

Conditions and requirements

Eligible projects are those eligible for the 50 Day Preliminary Plan Review (Type 2 projects that can meet the eligibility conditions of the process by the time of application).

Traffic studies must include assumptions that reflect realistic current or future conditions and base projected traffic on the most intensive uses possible for the development or development of a similar kind.

The traffic study and circulation plan approval is valid for 120 calendar days.

Appendix B

Overview of Elapsed Time Options Days to “Shovel Ready”

Elapsed time	Scenario
Less than 50 Days	50 Day Final Plan review. Follows Type 3 Preliminary Plan Review or Type 2 that is not eligible for 50 Day Preliminary Plan Review and assumes early release of foundation or grading permit at day 28, 40 or 47.
50 Days	50 Day Final Plan review. Follows Type 3 Preliminary Plan Review or Type 2 that is not eligible for 50 day Preliminary Plan Review and assumes no early release of foundation only and grading permit.
69 Days	50 Day Preliminary Plan review, with 50 day Final Plan submission in day 41 of 50 Day Preliminary Plan Review process. Issuance of foundation only or grading permits at Day 28.
78 Days	50 Day Preliminary Plan Process followed by 50 Day Final Plan process, with foundation and grading permit issued in day 28 of Final Plan process.
81 Days	50 Day Preliminary Plan Process, with 50 Day Final Plan submission in day 41 of 50 Day Preliminary Plan Review process. Issuance of foundation only or grading permits at Day 40.
90 days	50 Day Preliminary Plan Process followed by 50 Day Final Plan process, with foundation and grading permit issued in day 40 of Final Plan process.
91 days	50 Day Preliminary Plan review, with 50 Day Final Plan submission in day 41 of 50 Day Preliminary Plan Review process. No issuance of foundation only or grading permits at Day 28, 40 or 47 of 50 Day Final Process.
100 Days	50 Day Preliminary Plan Review followed by 50 Day Final Plan Review.

Appendix C

Associated Agencies

Development reviews in Clark County require the cooperation of several outside agencies that provide public utilities. The following agencies were consulted as this process was developed.

City of Vancouver Water and Sewer Utility Review

City staff believe they can conduct their reviews in both the preliminary and final stage within the time frames of the special processes. As a convenience, the county agreed to give the City of Vancouver special notice so they are aware of the special process. The City's conclusions are based on the assumption that the applicant submits full and complete plans and makes every effort to meet City codes and design standards.

Hazel Dell Sewer District

Hazel Dell Sewer District staff believe they can conduct both a preliminary Utility Review and signoff of final engineering plan sets within the 50-Day Processes. As a convenience, the county agreed to give the District special notice so they are aware of the special process. The District's conclusions are based on the assumption that the applicant submits full and complete plans as per the county's application requirements (at the beginning of the 50-Day Process) and makes every effort to meet District design standards.

Clark Public Utilities:Water

Water Utility staff believe they can conduct Utility Review and signoff of final plan sets within the 50-Day Processes. The crucial piece of information is response from the fire marshal and the fire district regarding fire flow. As a convenience, the county agreed to give special notice so they are aware of the special process. The conclusions are based on the assumption that the applicant submits full and complete plans as per the county's application requirements (at the beginning of the 50-Day Process) and makes every effort to meet design standards.

Model Agreement...90 Day Process

C O N T R A C T

THIS AGREEMENT, entered this ____ day of MONTH, YEAR, between XXXXXXXX after this called "XXXX", and CLARK COUNTY, WASHINGTON, after this called "County," a municipal corporation of the State of Washington

W I T N E S S E T H

WHEREAS, XXXX is requesting 90-Day processing of preliminary plan review, final site plan approval, engineered drawings, building plans, and county inspections required for issuance of occupancy permits for the XXXXXXXX, and;

WHEREAS, the County agrees to 90-Day processing of plan and permit approvals, building and engineering review, inspections, attendance at meetings in addition to those that would otherwise be provided to this development,

NOW, THEREFORE, XXXXXXXX, AND COUNTY MUTUALLY AGREE AS FOLLOWS:

1. Services. The County and XXXXXXXX shall perform services as follows:

A. The County will provide staff to attend additional meetings, to provide timely communication of information, to conduct priority processing of documents and drawings for issuance of approvals, inspections, and the issuance of occupancy permits as outlined in the 90 Day Process document attached as Exhibit A.

B. XXXXXXXX will provide staff to attend additional meetings, to provide timely communication of information, to respond to priority processing of documents and drawings for issuance of approvals, inspections, and the issuance of occupancy permits as outlined in the 90

Day Process document attached as Exhibit A.

2. Time. The contract shall be deemed effective beginning on the date of execution by the parties and ending upon the issuance of ?????????????????? .

3. Compensation. XXXXX shall make payment to the County for all services upon receipt of a written invoice. The parties mutually agree that the amount of billing shall not exceed \$????????? without prior written approval of XXXXXXXX.

4. Termination. XXXX or the County may terminate this contract immediately upon any breach as set forth in contract. The waiver by the County or XXXXX of one breach shall not be held or construed as a waiver of subsequent breach or breaches. XXXXXXX and County will be reimbursed for services expended up to the date of termination as specified in Exhibit A.

5. Independent Contractor. The County shall always be an independent contractor and not an employee or agent of XXXXXXXX.

6. Limited Role of County. XXXXX understands that the County is acting in its governmental capacity. The County is charged by law with enforcing certain codes and laws, responding to complaints and providing public information. Nothing in this agreement can or will be construed to alter that authority and obligation. With the exception of the duties stated in paragraph 1B, nothing in this agreement can or will be construed as creating implied obligations to XXXXX.

. 7. Social Security and Other Taxes. The County assumes full responsibility for the payment of all payroll taxes, use, sales, income or other form of taxes, fees, licenses, excises, or payments required by any city, federal or state legislation that is or may be enacted during the term of this agreement for all persons employed by the County in performance of the work pursuant to this agreement. The County shall assume exclusive liability and meet all

requirements pursuant to rules and regulations that are now and may be promulgated in connection with this agreement.

9. Contract Documents. Contract documents consist of this agreement and Exhibit A, which consists of the 90 Day Process, a Proposal for Professional Services and an attached fee schedule. Where provisions of the contract and Exhibit A are inconsistent, the provision contained in the contract shall be controlling.

10. Equal Employment Opportunity. Neither XXXXXX nor the County may discriminate against any employee or applicant for employment because of race, color, religion, sex, age, handicap, marital status or national origin.

11. Changes. The parties may, from time to time, desire changes in the scope of the services performed hereunder. Changes, including any increase or decrease in the County's compensation which are mutually agreed upon by the affected parties, shall be incorporated in written amendments to the agreement.

12. Governing Law. This agreement shall be governed by the laws of the State of Washington. Venue for any litigation shall be Clark County, Washington.

15. Consent and Understanding. This agreement contains a complete and integrated understanding of the agreement between the parties and supersedes any understandings, agreement, or negotiations, whether oral or written, not set forth herein or in written amendments executed by both parties. Actions taken and costs incurred by the County prior to execution are ratified and payment of such costs is authorized.

16. Severability. If any provision of this agreement is held invalid, the remainder would then continue to conform to the terms and requirements of applicable law.

IN WITNESS THEREOF, XXXXXX and the County have executed this agreement on the date first above written.

Attest:

BOARD OF COUNTY COMMISSIONERS
FOR CLARK COUNTY, WASHINGTON

Clerk to the Board

Craig Pridemore, Chair

APPROVED AS TO FORM ONLY
ARTHUR D. CURTIS

Judie Stanton, Commissioner

Attorney

By _____
Deputy Civil Prosecutor

Betty Sue Morris, Commissioner

By _____
Bill Barron, County Administrator

By _____
Authorized signatory for XXXXXX